

## REMARKS

### Status of the claims

Claims 1-22 are pending in the application. Claims 1-2, 7, 9, 12, 17-18, and 20 are amended herein. Claims 3-6, 13-16 and 19 are canceled. New claim 23 is added. No new matter is added in any amendment.

### Amendments to the claims

Claim 1 is amended to incorporate all the limitations of claims 3-4 therein. Claim 1 also is amended to clarify that approximation of the wave front uses "data from the detection of radiation scattered by the retina", as recited in claim 12.

Claim 2 is amended to clarify that numerical integration is along the radii "to the pupil points", as recited in now canceled claim 13. Claims 7 and 9 are amended to each depend directly only from amended claim 1. Claim 7 also is amended to use the phrase "according to" in the preamble for consistency with the other claims.

Claim 12 is amended to incorporate all the limitations of claim 16 therein. Claims 17-18 and 20 are amended to depend directly from independent claim 12. Claims 17-18 also are amended to use the phrase "according to" in the preamble for consistency with the other claims.

New claim 23 depends directly from amended independent claim 1 and limits the reconstructed wave front and/or the discrete set of pupil points to being in a polar coordinate system. This limitation was included in original claims 13-14 which otherwise are identical to claims 2-3. Thus, no new matter is contained in new claim 23.

#### Objections to the claims

Claims 7, 9-10 and 21 are objected to as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim (MPEP 608.01(n)). Claims 7 and 9 are amended to depend directly from independent claim 1 only. As such, claim 10 also properly depends directly from amended claims 9. The Examiner has objected to claim 21, however, Applicants wish to point out that claim 21 is not a multiple dependent claim whereas claim 20 is. Applicants have amended claim 20 to depend directly from independent claim 12 only. As such, claim 21 also properly depends directly from amended claim 20. Accordingly, in view of these amendments Applicants respectfully request that the objection to claims 7, 9-10 and 21 be withdrawn.

#### Allowable subject matter

The Examiner states that claims 4-6, 15-17, 18/15, 18/17, 20/15-17 would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. Applicants have amended independent claim 1 to incorporate the limitations of dependent claims 3-4, of which claim 4 is allowable, and independent claim 12 to incorporate the limitations of allowable dependent claim 16, as discussed supra. Applicants have canceled the incorporated claims 3-4 and 16 along with claims 5-6, 13-15 and 19. Thus, Applicants submit that, as so amended, independent claims 1 and 12 now are allowable as would be remaining claims 7-11 and new claim 23, which depend directly or indirectly from amended claim 1 and remaining claims 17-18 and 20-22, which depend directly or indirectly from amended claim 12.

#### Objections/Amendments to the Specification

The Examiner objects to the abstract of the disclosure as containing more than 150 words. Applicants submit a new Abstract herewith that has been amended to contain only 150 words as required by MPEP 608.01(b)(C). Accordingly, in view of the amendment to the specification presented herein, Applicants respectfully request that the objection to the specification be withdrawn.

#### The 35 U.S.C. §102(b) rejections

Claims 1-3, 5, 11-12, 20/12, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Sarver (U.S. Patent App. No. 2001/0033362). Applicants respectfully traverse this rejection.

As discussed supra, Applicants have amended independent claims 1 and 12 to incorporate allowable limitations of claims 4 and 16, respectively. Applicants have canceled claims 3 and 5. Therefore, the rejection of claims 1-2, 11-12, 20/12, and 22 as being anticipated by Sarver is moot. Accordingly, in view of the claim amendments presented herein, Applicants respectfully request that the rejection of claims 1-2, 11-12, 20/12, and 22 under 35 U.S.C. §102(b) be withdrawn.

The 35 U.S.C. §103(a) rejections

Claims 8, 13-14, 18/12, 19, 20/13-14, and 20/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarver. Applicants respectfully traverse this rejection.

As discussed supra, amended independent claims 1 and 13 are allowable. Applicants have canceled claims 13-14 and 19. Therefore, the rejection of claims 8 and 18/12 which depend directly from amended independent claims 1 and 12, respectively, as being obvious over Sarver is moot. Accordingly, in view of the claim amendments presented herein, Applicants respectfully request that the rejection of claims 8 and 18/12 under 35 U.S.C. §103(a) be withdrawn.

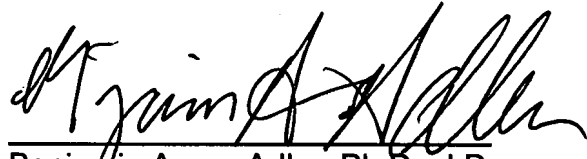
This is intended to be a complete response to the Office Action, mailed June 15, 2007. Applicants submit that pending claims 1-2, 7-12, 17-18, and 20-23 are in condition for allowance and respectfully request that they be passed to issuance. If any issues remain outstanding, the Examiner is respectfully

requested to telephone the undersigned attorney of record for immediate resolution. Applicants enclose a Petition for a One Month Extension of Time. Please charge the \$60 extension fee under 37 C.F.R. §1.17(a) to the credit card identified on the enclosed Form PTO-2038. **Only in the absence** of Form PTO-2038, please debit any applicable fees from Deposit Account No. 07-1185, upon which the undersigned is allowed to draw.

Respectfully submitted,

Date: \_\_\_\_\_

*Oct 11, 2007*



Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Counsel for Applicant

ADLER & ASSOCIATES  
8011 Candle Lane  
Houston, Texas 77071  
Tel: (713) 270-5391  
Fax: (713) 270-5361  
BEN@adlerandassociates.com